

**United States Bankruptcy Court  
Western District of Michigan**

IN RE:

Morgan, Mark L.

Debtor(s)

Case No. 08-90528Chapter 13

**CHAPTER 13 PLAN**

☒ Original ☐ Amended Date: October 2, 2008.

**YOUR RIGHTS WILL BE AFFECTED.** You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this plan or any motion included below must file a timely written objection. This plan may be confirmed and the motions included below may be granted without further notice or hearing unless written objection is filed before the deadline stated on the separate Notice you should have received from the bankruptcy court. If you have a secured claim, this is notice that your lien may be voided or modified if you do not object to this plan.

**THIS PLAN DOES NOT ALLOW CLAIMS.** You must file a proof of claim to be paid under any plan that may be confirmed.

**1. PAYMENT AND LENGTH OF PLAN**

(a) Debtor shall pay \$ 281.00 per month to the Chapter 13 Trustee starting \_\_\_\_\_ for approximately 60 months.

☐ Debtor will pay directly to the trustee

☒ A payroll deduction order will issue to the Debtor's employer:

(b) Joint Debtor shall pay \$ \_\_\_\_\_ per \_\_\_\_\_ to the Chapter 13 Trustee starting \_\_\_\_\_ for approximately \_\_\_\_\_ months.

☐ Joint Debtor will pay directly to the trustee

☐ A payroll deduction order will issue to the Joint Debtor's employer:

(c) Other payments to trustee: Federal Income Tax Refunds

(d) Total amount to be paid to Trustee shall be not less than \$ 16,860.00

**2. PRIORITY CLAIMS (INCLUDING ADMINISTRATIVE EXPENSES AND SUPPORT)**

All allowed priority claims will be paid in full unless creditor agrees otherwise:

Creditor	Type of Priority	Scheduled Amount
<b>Osstyn, Ferns &amp; Quinnell, LLP</b>	<b>Attorney fee</b>	<b>1,334.00</b>

**3. SECURED CLAIMS; MOTIONS TO VALUE COLLATERAL AND VOID LIENS UNDER 11 U.S.C. § 506**

(a) Debtor moves to value collateral as indicated in the "value" column immediately below. Trustee shall pay allowed secured claims the value indicated or the amount of the claim, whichever is less. The portion of any allowed claim that exceeds the value indicated shall be treated as an unsecured claim. Debtor moves to void the lien of any creditor with "NO VALUE" specified below.

Creditor	Collateral	Scheduled Debt	Value	Interest Rate	Monthly Payment
<b>None</b>					

(b) Debtor surrenders or abandons the following collateral. Upon confirmation, the stay is lifted as to surrendered or abandoned collateral.

Creditor	Collateral to be Surrendered or Abandoned
<b>None</b>	

**4. UNSECURED CLAIMS**

(a) **Not Separately Classified.** Allowed non-priority unsecured claims shall be paid:

☐ Not less than \$ \_\_\_\_\_ to be distributed pro rata.

☒ Not less than 50.00 percent.

☐ Other: \_\_\_\_\_

(b) **Separately Classified Unsecured Claims**

Creditor	Basis for Classification	Treatment	Amount
<b>None</b>			

**5. CURING DEFAULT AND MAINTAINING PAYMENTS**

(a) Trustee shall pay allowed claims for arrearages, and Trustee shall pay regular postpetition contract payments to these creditors:

Creditor	Collateral or Type of Debt	Estimated Interest Rate Arrearage (arrearage)	Monthly Arrearage Payment	Regular Monthly Payment
None				

(b) Trustee shall pay allowed claims for arrearages, and Debtor shall pay regular postpetition contract payments directly to these creditors:

Creditor	Collateral or Type of Debt	Estimated Interest Rate Arrearage (arrearage)	Monthly Arrearage Payment	Regular Monthly Payment
None				

**6. EXECUTORY CONTRACTS AND UNEXPIRED LEASES**

Executory contracts and unexpired leases are assumed or rejected as follows:

Creditor/Lessor	Property Description	Assume/Reject
None		

**7. OTHER PLAN PROVISIONS AND MOTIONS**

(a) Motion to Avoid Liens under 11 U.S.C. § 522(f). Debtor moves to avoid the following liens that impair exemptions:

Creditor	Collateral	Amount of Lien to be Avoided
None		

(b) Lien Retention. Except as provided above in Section 5, allowed secured claim holders retain liens until:

- ☐ Liens are released at discharge.  
☒ Liens are released upon payment of allowed secured claim as provided above in Section 3.  
☐ Liens are released upon completion of all payments under the plan.

(c) Vesting of Property of the Estate. Property of the estate shall revert in Debtor:

- ☒ Upon confirmation  
☐ Upon discharge  
☐ Other: \_\_\_\_\_

(d) Payment Notices. Creditors and lessors provided for above in Sections 5 or 6 may continue to mail customary notices or coupons to the Debtor or Trustee notwithstanding the automatic stay.

(e) Order of Distribution. Trustee shall pay allowed claims in the following order:

Trustee Commissions  
 Other Administrative Claims  
 Priority Claims  
 Secured Claims  
 General Unsecured Claims

**A. Disposable Income & Tax Refunds:** If this Plan provides for a dividend of less than 100% to all filed and allowed general unsecured creditors, Debtor agrees to pay into the Plan all disposable income as defined in 11 USC 1325(b)(2) for a period of not less than 36 months from the date the first plan payment was due, including but not limited to income tax refunds, property tax credits, gambling winnings, inheritances, etc. received during that period. The Debtor agrees to maintain the same level of exemptions as when the case was filed except as dictated by a change in dependency allowance(s) and/or marital status. The Trustee shall have the discretion to increase the percentage to unsecured creditors as a result of additional payments made under this provision.

**B.** The Debtor shall remit such additional sums as may be necessary to complete payments required under the Plan within 60 months of Plan confirmation. This provision is not in lieu of or a substitute for regular Plan payments.

**C.** Pursuant to 11 U.S.C. § 1325(a)(5)(B), holders of allowed secured claims provided for by the Plan shall retain the lien securing such claim until the earlier of (i) the payment of the underlying debt determined under non-bankruptcy law; or (ii) discharge under section 1328, and if the case under this chapter is dismissed or converted without completion of the plan, such lien shall also be retained by such holder to the extent recognized by applicable non-bankruptcy law.

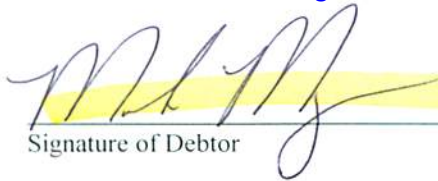
**D.** The first Plan payment is due within 30 days of the date of filing the petition.

**E.** Creditor, Capital One Auto, shall be paid outside the Plan for the 2003 Chevrolet Silverado.

Dated: 10-06-08



Signature of Attorney



Signature of Debtor

Signature of Spouse (if applicable)